

P18150

2-3-87 Asgd to City of West Sacramento

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 25616

PERMIT 18150

LICENSE \_\_\_\_\_

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE  
AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

CONSTRUCTION WORK SHALL  
COMMENCE ON OR BEFORE December 1, 1985.

2. Paragraph 20 is added to this permit as follows:

Permittee shall consult with the Division of Water Rights and the Department of Water Resources and develop and implement a water conservation program or actions. A progress report on development of the program shall be submitted to the Board within 6 months. The program or proposed actions shall be presented to the Board for approval within one year from the date of this order or such further time as may, for good cause shown, be allowed by the Board.

(0000029)

Dated: MAY 25 1983

*for L. D. Johnson*  
Raymond Walsh, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

**ORDER**

APPLICATION 25616

PERMIT 18150

LICENSE \_\_\_\_\_

ORDER APPROVING CHANGE IN POINT OF DIVERSION, AND AMENDING THE PERMIT

WHEREAS:

1. Permit 18150 was issued to East Yolo Community Services District January 14, 1981 and subsequently assigned to the City of West Sacramento.
2. A petition to change the point of diversion on the Sacramento River has been filed with the State Water Resources Control Board.
3. The permittee has proceeded with diligence and good cause has been shown for said change.
4. The Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. Permit Condition 11 pertaining to the continuing authority of the Board should be amended to conform to the current common law public trust doctrine as contained in Title 23, California Code of Regulations, Section 780(a).
6. Pursuant to State Water Resources Control Board Order WR 81-15 permit Condition 16 should be amended to conform to revised standard permit Term 91.
7. Permit 18150 does not contain conditions implementing the Urban Water Management Planning Act found in standard permit Term 29A.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 2 of this permit be amended to read:

Location of the point of diversion: on the west bank of the Sacramento River; about 300 feet upstream of the Bryte Bend, U.S. Highway 80, Bridge within the SE¼ of the NE¼ of Section 29, T9N, R4E, MDB&M.

2. Condition 11 of this permit be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water. The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements

of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

3. Condition 16 of the permit be amended to read:

No diversion is authorized by this permit when satisfaction of inbasin entitlements requires release of supplemental Project water by the Central Valley Project or the State Water Project.

- A. Inbasin entitlements are defined as all rights to divert water from streams tributary to the Sacramento-San Joaquin Delta or the Delta for use within the respective basins of origin or the Legal Delta, unavoidable natural requirements for riparian habitat and conveyance losses, and flows required by the State Water Resources Control Board for maintenance of water quality and fish and wildlife. Export diversions and Project carriage water are specifically excluded from the definition of inbasin entitlements.
- B. Supplemental Project water is defined as water imported to the basin by the projects, and water released from Project storage, which is in excess of export diversions, Project carriage water, and Project inbasin deliveries.

The State Water Resources Control Board shall notify the permittee of curtailment of diversion under this term after it finds that supplemental Project water has been released or will be released. The Board will advise the permittee of the probability of imminent curtailment of diversion as far in advance as practicable based on anticipated requirements for supplemental Project water provided by the Project operators.

(0000091)

4. Condition 20 be amended to read:

Permittee shall consult with the Division of Water Rights and, within one year from the date of this order shall submit to the State Water Resources Control Board its Urban Water Management Plan as prepared and adopted in conformance with Section 10610, et seq. of the California Water Code, supplemented by an additional information that may be required by the Board.

All cost-effective measures identified in the Urban Water Management Plan and as supplemented, shall be implemented in accordance with the schedule for implementation found therein.

(0000029)

Dated:           **MAY    13 1988**



Walter G. Pettit, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 18150

Application 25616 of EAST YOLO COMMUNITY SERVICES DISTRICT

*over*

19515 SOUTH RIVER ROAD, WEST SACRAMENTO, CALIFORNIA 95691

filed on DECEMBER 22, 1977, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

SACRAMENTO RIVER

SUISUN BAY

2. Location of point of diversion:

40-acre subdivision  
of public land survey  
or projection thereof

Section

Town-  
ship

Range

Base  
and  
Meridan

ON THE WEST BANK OF THE SACRAMENTO RIVER  
ABOUT 250 FEET NORTH OF THE CENTER LINE OF  
THE PIONEER MEMORIAL BRIDGE

NW1/4 OF NE1/4

3

8N

4E

MD

County of YOLO

3. Purpose of use:

4. Place of use:

Section

Town-  
ship

Range

Base  
and  
Meridan

Acres

MUNICIPAL

EAST YOLO COMMUNITY SERVICES  
DISTRICT WITHIN PROJECTED  
SECTIONS 26 TO 35, T9N, R4E,  
AND SECTIONS 7 TO 10, 15 TO  
18, 19 TO 22, AND 29 AND 30,  
T8N, R4E, MDB&M.

The place of use is shown on map filed with the State Water Resources Control Board.

5. THE WATER APPROPRIATED SHALL BE LIMITED TO THE QUANTITY WHICH CAN BE BENEFICIALLY USED AND SHALL NOT EXCEED 62 CUBIC FEET PER SECOND TO BE DIVERTED FROM JANUARY 1 TO JUNE 30 AND FROM SEPTEMBER 1 TO DECEMBER 31 OF EACH YEAR. THE MAXIMUM AMOUNT DIVERTED UNDER THIS PERMIT SHALL NOT EXCEED 18,350 ACRE-Feet PER YEAR. (000 0005)

6. THE AMOUNT AUTHORIZED FOR APPROPRIATION MAY BE REDUCED IN THE LICENSE IF INVESTIGATION WARRANTS. (000 0006)

7. CONSTRUCTION WORK SHALL BE COMMENCED WITHIN TWO YEARS FROM DATE OF PERMIT AND SHALL BE COMPLETED BY DECEMBER 1, 1995. (000 0007)

8. COMPLETE APPLICATION OF THE WATER TO THE AUTHORIZED USE SHALL BE MADE BY DECEMBER 1, 2000. (000 0009)

9. PROGRESS REPORTS SHALL BE SUBMITTED PROMPTLY BY PERMITTEE WHEN REQUESTED BY THE STATE WATER RESOURCES CONTROL BOARD UNTIL LICENSE IS ISSUED. (000 0010)

10. PERMITTEE SHALL ALLOW REPRESENTATIVES OF THE STATE WATER RESOURCES CONTROL BOARD AND OTHER PARTIES AS MAY BE AUTHORIZED FROM TIME TO TIME BY SAID BOARD, REASONABLE ACCESS TO PROJECT WORKS TO DETERMINE COMPLIANCE WITH THE TERMS OF THIS PERMIT. (000 0011)

11. PURSUANT TO CALIFORNIA WATER CODE SECTIONS 100 AND 275, ALL RIGHTS AND PRIVILEGES UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO, INCLUDING METHOD OF DIVERSION, METHOD OF USE, AND QUANTITY OF WATER DIVERTED, ARE SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD IN ACCORDANCE WITH LAW AND IN THE INTEREST OF THE PUBLIC WELFARE TO PREVENT WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE, OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER.

THE CONTINUING AUTHORITY OF THE BOARD MAY BE EXERCISED BY IMPOSING SPECIFIC REQUIREMENTS OVER AND ABOVE THOSE CONTAINED IN THIS PERMIT WITH A VIEW TO MINIMIZING WASTE OF WATER AND TO MEETING THE REASONABLE WATER REQUIREMENTS OF PERMITTEE WITHOUT UNREASONABLE DRAFT ON THE SOURCE. PERMITTEE MAY BE REQUIRED TO IMPLEMENT SUCH PROGRAMS AS (1) REUSING OR RECLAIMING THE WATER ALLOCATED; (2) USING WATER RECLAIMED BY ANOTHER ENTITY INSTEAD OF ALL OR PART OF THE WATER ALLOCATED; (3) RESTRICTING DIVERSIONS SO AS TO ELIMINATE AGRICULTURAL TAILWATER OR TO REDUCE RETURN FLOW; (4) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (5) CONTROLLING PHREATOPHYTIC GROWTH; AND (6) INSTALLING, MAINTAINING, AND OPERATING EFFICIENT WATER MEASURING DEVICES TO ASSURE COMPLIANCE WITH THE QUANTITY LIMITATIONS OF THIS PERMIT AND TO DETERMINE ACCURATELY WATER USE AS AGAINST REASONABLE WATER REQUIREMENTS FOR THE AUTHORIZED PROJECT. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD DETERMINES, AFTER NOTICE TO AFFECTED PARTIES AND OPPORTUNITY FOR HEARING, THAT SUCH SPECIFIC REQUIREMENTS ARE PHYSICALLY AND FINANCIALLY FEASIBLE AND ARE APPROPRIATE TO THE PARTICULAR SITUATION. (000 0012)

12. THE QUANTITY OF WATER DIVERTED UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD IF, AFTER NOTICE TO THE PERMITTEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES. (000 0013)

13. IN ACCORDANCE WITH SECTION 1603 AND/OR SECTION 6100 OF THE FISH AND GAME CODE, NO DIVERSION FACILITY SHALL BE CONSTRUCTED OR WATER DIVERTED UNDER THIS PERMIT UNTIL APPLICANT HAS CONSUMATED A STREAM OR LAKE ALTERATION AGREEMENT WITH THE DEPARTMENT OF FISH AND GAME AND/OR THE DEPARTMENT HAS DETERMINED THAT MEASURES NECESSARY TO PROTECT FISHLIFE HAVE BEEN INCORPORATED INTO THE PLANS AND CONSTRUCTION OF SUCH DIVERSION FACILITY. THE CONSTRUCTION, OPERATION, OR MAINTENANCE COSTS OF ANY FACILITY REQUIRED PURSUANT TO THIS PROVISION SHALL BE BORNE BY THE PERMITTEE. (000 0063)

14. THE STATE WATER RESOURCES CONTROL BOARD RESERVES JURISDICTION OVER THIS PERMIT TO CHANGE THE SEASON OF DIVERSION TO CONFORM TO THE RESULTS OF A COMPREHENSIVE ANALYSIS OF THE AVAILABILITY OF UNAPPROPRIATED WATER IN THE SACRAMENTO RIVER BASIN. ACTION TO CHANGE THE SEASON OF DIVERSION WILL BE TAKEN ONLY AFTER NOTICE TO INTERESTED PARTIES AND OPPORTUNITY FOR HEARING. (000 0600)

15. THIS PERMIT IS SUBJECT TO PRIOR RIGHTS. PERMITTEE IS PUT ON NOTICE THAT DURING SOME YEARS WATER WILL NOT BE AVAILABLE FOR DIVERSION DURING PORTIONS OR ALL OF THE SEASON AUTHORIZED HEREIN. THE ANNUAL VARIATIONS IN DEMANDS AND HYDROLOGIC CONDITIONS IN THE SACRAMENTO RIVER BASIN ARE SUCH THAT IN ANY YEAR OF WATER SCARCITY THE SEASON OF DIVERSION AUTHORIZED HEREIN MAY BE REDUCED OR COMPLETELY ELIMINATED ON ORDER OF THIS BOARD MADE AFTER NOTICE TO INTERESTED PARTIES AND OPPORTUNITY FOR HEARING. (000 0090)

5. THE WATER APPROPRIATED SHALL BE LIMITED TO THE QUANTITY WHICH CAN BE BENEFICIALLY USED AND SHALL NOT EXCEED 65 CUBIC FEET PER SECOND TO BE DIVERTED FROM JANUARY 1 TO JUNE 30 AND FROM SEPTEMBER 1 TO DECEMBER 31 OF EACH YEAR. THE MAXIMUM AMOUNT DIVERTED UNDER THIS PERMIT SHALL NOT EXCEED 18,350 ACRE-Feet PER YEAR.

6. THE AMOUNT AUTHORIZED FOR APPROPRIATION MAY BE REDUCED IN THE LICENSE IF INVESTIGATION WARRANTS.

7. CONSTRUCTION WORK SHALL BE COMMENCED WITHIN TWO YEARS FROM DATE OF PERMIT AND SHALL BE COMPLETED BY DECEMBER 1, 1995.

8. COMPLETE APPLICATION OF THE WATER TO THE AUTHORIZED USE SHALL BE MADE BY DECEMBER 1, 2000.

9. PROGRESS REPORTS SHALL BE SUBMITTED PROMPTLY BY PERMITTEE WHEN REQUESTED BY THE STATE WATER RESOURCES CONTROL BOARD UNTIL LICENSE IS ISSUED.

10. PERMITTEE SHALL ALLOW REPRESENTATIVES OF THE STATE WATER RESOURCES CONTROL BOARD AND OTHER PARTIES AS MAY BE AUTHORIZED FROM TIME TO TIME BY SAID BOARD, REASONABLE ACCESS TO PROJECT WORKS TO DETERMINE COMPLIANCE WITH THE TERMS OF THIS PERMIT.

11. PURSUANT TO CALIFORNIA WATER CODE SECTIONS 100 AND 275, ALL RIGHTS AND PRIVILEGES UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO, INCLUDING METHOD OF DIVERSION, METHOD OF USE, AND QUANTITY OF WATER DIVERTED, ARE SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD IN ACCORDANCE WITH LAW AND IN THE INTEREST OF THE PUBLIC WELFARE TO PREVENT WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE, OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER. THE CONTINUING AUTHORITY OF THE BOARD MAY BE EXERCISED BY IMPOSING SPECIFIC REQUIREMENTS OVER AND ABOVE THOSE CONTAINED IN THIS PERMIT WITH A VIEW TO MINIMIZING WASTE OF WATER AND TO MEETING THE REASONABLE WATER REQUIREMENTS OF PERMITTEE WITHOUT UNREASONABLE DRAFT ON THE SOURCE. PERMITTEE MAY BE REQUIRED TO IMPLEMENT SUCH PROGRAMS AS (1) REUSING OR RECLAIMING THE WATER ALLOCATED; (2) USING WATER RECLAIMED BY ANOTHER ENTITY INSTEAD OF ALL OR PART OF THE WATER ALLOCATED; (3) RESTRICTING DIVERSIONS SO AS TO ELIMINATE AGRICULTURAL TAILWATER OR TO REDUCE RETURN FLOW; (4) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (5) CONTROLLING PHREATOPHYTIC GROWTH; AND (6) INSTALLING, MAINTAINING, AND OPERATING EFFICIENT WATER MEASURING DEVICES TO ASSURE COMPLIANCE WITH THE QUANTITY LIMITATIONS OF THIS PERMIT AND TO DETERMINE ACCURATELY WATER USE AS AGAINST REASONABLE WATER REQUIREMENTS FOR THE AUTHORIZED PROJECT. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD DETERMINES, AFTER NOTICE TO AFFECTED PARTIES AND OPPORTUNITY FOR HEARING, THAT SUCH SPECIFIC REQUIREMENTS ARE PHYSICALLY AND FINANCIALLY FEASIBLE AND ARE APPROPRIATE TO THE PARTICULAR SITUATION.

12. THE QUANTITY OF WATER DIVERTED UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD IF, AFTER NOTICE TO THE PERMITTEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES.

13. IN ACCORDANCE WITH SECTION 1603 AND/OR SECTION 6100 OF THE FISH AND GAME CODE, NO DIVERSION FACILITY SHALL BE CONSTRUCTED OR WATER DIVERTED UNDER THIS PERMIT UNTIL APPLICANT HAS CONSULTED A STREAM OR LAKE ALTERATION AGREEMENT WITH THE DEPARTMENT OF FISH AND GAME AND/OR THE DEPARTMENT HAS DETERMINED THAT MEASURES NECESSARY TO PROTECT FISHLIFE HAVE BEEN INCORPORATED INTO THE PLANS AND CONSTRUCTION OF SUCH DIVERSION FACILITY. THE CONSTRUCTION, OPERATION, OR MAINTENANCE COSTS OF ANY FACILITY REQUIRED PURSUANT TO THIS PROVISION SHALL BE BORNE BY THE PERMITTEE.

14. THE STATE WATER RESOURCES CONTROL BOARD RESERVES JURISDICTION OVER THIS PERMIT TO CHANGE THE SEASON OF DIVERSION TO CONFORM TO THE RESULTS OF A COMPREHENSIVE ANALYSIS OF THE AVAILABILITY OF UNAPPROPRIATED WATER IN THE SACRAMENTO RIVER BASIN. ACTION TO CHANGE THE SEASON OF DIVERSION WILL BE TAKEN ONLY AFTER NOTICE TO INTERESTED PARTIES AND OPPORTUNITY FOR HEARING.

15. THIS PERMIT IS SUBJECT TO PRIOR RIGHTS. PERMITTEE IS PUT ON NOTICE THAT DURING SOME YEARS WATER WILL NOT BE AVAILABLE FOR DIVERSION DURING PORTIONS OR ALL OF THE SEASON AUTHORIZED HEREIN. THE ANNUAL VARIATIONS IN DEMANDS AND HYDROLOGIC CONDITIONS IN THE SACRAMENTO RIVER BASIN ARE SUCH THAT IN ANY YEAR OF WATER SCARCITY THE SEASON OF DIVERSION AUTHORIZED HEREIN MAY BE REDUCED OR COMPLETELY ELIMINATED ON ORDER OF THIS BOARD MADE AFTER NOTICE TO INTERESTED PARTIES AND OPPORTUNITY FOR HEARING.



16. NO DIVERSION IS AUTHORIZED BY THIS PERMIT WHEN SATISFACTION OF INBASIN ENTITLEMENTS REQUIRES RELEASE OF SUPPLEMENTAL PROJECT WATER. THE BOARD SHALL ADVISE PERMITTEE OF THE PROBABILITY OF IMMINENT CURTAILMENT OF DIVERSIONS AS FAR IN ADVANCE AS PRACTICABLE BASED ON ANTICIPATED REQUIREMENTS FOR SUPPLEMENTAL PROJECT WATER PROVIDED BY THE CENTRAL VALLEY PROJECT OR THE STATE WATER PROJECT OPERATORS. THE BOARD SHALL NOTIFY THE PERMITTEE OF CURTAILMENT OF DIVERSIONS WHEN IT FINDS THAT NO WATER IS AVAILABLE FOR DIVERSION UNDER THIS PERMIT.

FOR THE PURPOSE OF INITIALLY DETERMINING SUPPLEMENTAL PROJECT WATER REQUIRED FOR INBASIN ENTITLEMENTS, THE FOLLOWING DEFINITIONS SHALL APPLY:

- A. INBASIN ENTITLEMENTS ARE DEFINED AS ALL RIGHTS TO DIVERT WATER FROM STREAMS TRIBUTARY TO THE SACRAMENTO-SAN JOAQUIN DELTA OR THE DELTA FOR USE WITHIN THE RESPECTIVE BASINS OF ORIGIN OR THE LEGAL DELTA, UNAVOIDABLE NATURAL REQUIREMENTS FOR RIPARIAN HABITAT AND CONVEYANCE LOSSES, AND FLOWS REQUIRED BY THE BOARD FOR MAINTENANCE OF WATER QUALITY AND FISH AND WILDLIFE. EXPORT DIVERSIONS AND PROJECT CARRIAGE WATER ARE SPECIFICALLY EXCLUDED FROM THE DEFINITION OF INBASIN ENTITLEMENTS.
- B. SUPPLEMENTAL PROJECT WATER IS DEFINED AS WATER IMPORTED TO THE BASIN BY THE PROJECTS, AND WATER RELEASED FROM PROJECT STORAGE, WHICH IS IN EXCESS OF WATER REQUIRED FOR PROJECT EXPORT AND PROJECT INBASIN DELIVERIES.

NOTICE OF CURTAILMENT OF DIVERSION UNDER THIS TERM SHALL NOT BE ISSUED BY THE BOARD UNTIL:

1. PROJECT OPERATORS JOINTLY DEVELOP AND DEMONSTRATE TO THE BOARD A REASONABLY ACCURATE METHOD OF CALCULATING SUPPLEMENTAL PROJECT WATER.
  2. THE BOARD HAS APPROVED THE METHOD OF CALCULATING SUPPLEMENTAL PROJECT WATER AND HAS CONFIRMED THE DEFINITIONS OF INBASIN ENTITLEMENTS AND SUPPLEMENTAL PROJECT WATER AFTER PUBLIC HEARING.
  3. THE PROJECT OPERATORS HAVE NOTIFIED THE BOARD THAT THE RELEASE OF SUPPLEMENTAL PROJECT WATER IS IMMINENT OR HAS OCCURRED. SUCH NOTICE SHOULD INCLUDE THE TIMES AND AMOUNTS OF RELEASES OR POTENTIAL RELEASES.
  4. THE BOARD FINDS THAT SUPPLEMENTAL PROJECT WATER HAS BEEN RELEASED OR WILL BE RELEASED. (0000091) amended
17. IN ORDER TO PREVENT DEGRADATION OF THE QUALITY OF WATER DURING AND AFTER CONSTRUCTION OF THE PROJECT, PRIOR TO COMMENCEMENT OF CONSTRUCTION PERMITTEE SHALL FILE A REPORT PURSUANT TO WATER CODE SECTION 13260 AND SHALL COMPLY WITH ANY WASTE DISCHARGE REQUIREMENTS IMPOSED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, CENTRAL VALLEY REGION, OR BY THE STATE WATER RESOURCES CONTROL BOARD. (0000100)
18. THE STATE WATER RESOURCES CONTROL BOARD RETAINS CONTINUING AUTHORITY OVER THIS PERMIT AND ANY LICENSE ISSUED PURSUANT THERETO TO REQUIRE PERMITTEE TO IMPLEMENT A WATER CONSERVATION PROGRAM TO ASSURE THAT WATER IS NOT BEING USED IN A WASTEFUL OR UNREASONABLE MANNER.
19. THE TOTAL QUANTITY OF WATER DIVERTED UNDER THIS PERMIT, TOGETHER WITH THAT DIVERTED UNDER CONTRACT WITH THE UNITED STATES SHALL NOT EXCEED 23,600 ACRE-Feet PER ANNUM. (0000114)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated:

JANUARY 14 1981

STATE WATER RESOURCES CONTROL BOARD

*L. C. Spencer, for*  
CHIEF, DIVISION OF WATER RIGHTS